

**U.S. Serial No. 09/535,105
Response to the Office action of November 3, 2005**

REMARKS

Claims 1-26 are pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 7, 9, and 13 are independent. In view of the forgoing amendments and the following remarks, reconsideration of the application is respectfully requested.

The Rejections under 35 U.S.C. § 112

Claims 1, 2, 8-9, and 11-13 stand rejected under 35 U.S.C. § 112 as being indefinite due to a lack of antecedent basis. Claims 1, 2, 8-9, and 11-13 have been amended to clarify that "the first priority" is the first priority value. The forgoing amendment should eliminate any rejection under 35 U.S.C. § 112 that may have been proper.

The Rejections under 35 U.S.C. § 102

Claims 1-3, 5, 6, 9, 10, and 12 stand rejected as anticipated by Herz et al. (US 6,088,722). Herz, however, fails to teach or suggest the calculating of a priority value by mapping first and second fuzzy variables onto an at least three dimensional profile surface. Accordingly, it is respectfully submitted that the claims, as amended, are allowable over this patent for at least the reasons set forth below.

As amended, independent claims 1 and 9 are directed to a method and an apparatus for selecting digital objects for display in a digital program guide. In particular, claims 1 and 9 each recite receiving a digital object, determining first and second fuzzy variables associated with the digital object and calculating a priority value by mapping the first and second fuzzy variables onto an at least three dimensional profile surface adapted for determining preferences associated with a television viewer. Claims 1 and 9 further recite comparing the determined priority value to a predefined threshold and selecting the digital object for display in the electronic television program guide if the first priority value crosses the predefined threshold.

Herz describes a system and method for scheduling broadcast of and access to video programs and other data using customer profiles. Herz describes the construction of an agreement matrix and not the construction of an at least three dimensional profile surface as claimed. Specifically, in Herz, a customer profile is generated, which comprises a

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characteristic value, a standard deviation value, and a weight value for each characteristic (e.g., romance, high-tech, and violence). Herz uses a normalizing formula to calculate a weight matrix from the customer profile. Then, Herz uses another formula to calculate weighted distances between the characteristic values associated with a user and program characteristic values. (Col. 21, lines 17 to Col. 22, line 57)

While the applicant admits that Herz does calculate agreement values for programs, Herz does not teach or suggest that fuzzy variables should be mapped onto an at least three dimensional profiles surface. In fact, Herz does not teach any mapping at all. Rather, Herz uses three scalar values to represent a customer's characteristic preferences (e.g., John: Romance 3.0, High-Tech 9.0, and Violence 7.0). These values could form a single point in a three-dimensional space, but cannot form a three-dimensional profile surface. Further, Herz does not teach mapping characteristic values onto a surface, but rather calculates a weighted distance between user characteristic values and program characteristic values. Accordingly, for at least these reasons, it is respectfully submitted that claims 1 and 9, and any claims dependent thereon, are in condition for allowance.

The Rejections under 35 U.S.C. § 103

Claims 4, 7, 8, 11, 13, and 14 were rejected as being unpatentable over various combinations of Herz, Lemmons (US 6,481,011), and Lazarus et al. (US 5,652,613). It is respectfully submitted that all claims are allowable over these patents for the reasons set forth below.

As amended, independent claims 7 and 13 are directed to methods and apparatus that may be used to delete from memory digital objects associated with a television program guide. In particular, claims 7 and 13 recite determining first and second fuzzy variables associated with a digital object, calculating a priority value by mapping the first and second fuzzy variables onto an at least three dimensional profile surface adapted for determining preferences associated with a television viewer, and selecting the digital object for deletion from memory if the priority value crosses a predefined threshold.

The Office action rejected claims 7 and 13 as unpatentable over the combination of Herz and Lazarus (US 5,652,613). As described above, Herz does not teach or suggest the use of an at least three dimensional profile surface. Moreover, Lazarus does not teach or

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suggest the use of an at least three dimensional profile surface, nor does the examiner allege as such. Lazarus is directed to an intelligent program guide memory management system and method. In particular, Lazarus discloses deleting the least valuable program guide information when additional memory is needed in the program guide system. The Lazarus system manages memory by first deleting all information that is obsolete and then by performing memory triage if available memory is still insufficient. Memory triage includes assessing program guide information value and deleting the least valuable program guide information. Lazarus discloses that value of program information is assessed by evaluating program age (length of time since they were stored) and a program value that has been assigned to the channel. However, for all of its disclosure, it is respectfully submitted that Lazarus does not disclose or suggest mapping fuzzy variables to an at least three dimensional profile surface, as recited by claims 7 and 13.

Both Herz and Lazarus fail to disclose or suggest the mapping of fuzzy variables to an at least three dimensional profile surface. Thus, it follows that no combination of these references can render obvious the claimed system. Accordingly, for at least these reasons, it is respectfully submitted that claims 7 and 13, and any claims dependent thereon, are in condition for allowance.

New Claims 15-26

The applicant respectfully submits that new claims 15-26 were disclosed in the original specification at least at page 18, lines 6-14 and FIG. 4. In addition, the applicant respectfully submits that none of the cited art teaches or suggests using a profile surface comprising N dimensions, where N is any number greater than or equal to three, N-1 dimensions are associated with input variables, and the remaining dimension is associated with desirability. In particular, while Herz describes the use of three user characteristic values (e.g., Romance, High-Tech, and Violence), Herz does not describe or suggest that these values are associated with each other. Accordingly, the user characteristic values do not form a profile surface having N-1 dimensions that are input variables and a remaining dimension that is desirability. Accordingly, new claims 15-26 are in condition for allowance.

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Conclusion

In light of the forgoing amendments and arguments, the applicant respectfully submits that claims 1-26 are in condition for allowance. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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